

REMARKS

Independent claim 50 has been amended to recite that the S1 subunit of the polypeptide administered in the claimed method is modified by direct mutagenesis. Support is found, for example, in paragraph [23] on page 4 of the substitute specification filed January 29, 2004.

The amendment adds no new matter.

The Nonstatutory Double Patenting Rejection

Claims 50 and 53 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 which issued in U.S. Patent No. 6,713,072.

In the interest of expediting prosecution, Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) over the above-cited U.S. Patent No. 6,713,072.

Reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

In view of the above amendments and remarks, as well as the Terminal Disclaimer under 37 C.F.R. § 1.321(c), filed herewith, all pending claims of this application are believed to be in condition for allowance. Acknowledgement of the same is respectfully requested.

This response is believed to completely address all of the substantive issues raised in the Office Action dated March 28, 2007.

Please continue to direct all correspondence in this application to Novartis Vaccines and Diagnostics, Inc., Intellectual Property Dept., R440, 4560 Horton Street, Emeryville, CA 94608-2916.

Respectfully submitted,

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